

**REMARKS**

Claims 1, 4 and 15 stand rejected under 35 U.S.C. § 102(e) as anticipated by Frank et al. (US, 6,731,622).

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank et al., in view of Kuroyanagi et al. (US, 6,421,367).

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank et al., in view of Ogawa et al. (US, 6,728,305).

Claims 12-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 3 and 15 stand objected to because of minor informalities.

Claim 5 stands allowable if rewritten into independent form.

**Summary of the Response to the Office Action**

Applicants amend independent claim 1 by incorporating the features of dependent claims 4 and 5 to further define the invention, amend dependent claims 3 and 12-16 to further clarify the invention and cancel claims 4 and 5 without prejudice or disclaimer. Accordingly, claims 1, 3 and 12-16 are presently pending for consideration, with claims 2 and 6-11 having been withdrawn.

**Rejection of claims under 35 U.S.C. § 112, second paragraph**

Claims 12-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants amend claims 12-16 to further clarify the invention and to correct the antecedent basis issues raised in the Office Action. Accordingly, Applicants respectfully request that rejection of claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

**All Claims Define Allowable Subject Matter**

Claims 1, 4 and 15 stand rejected under 35 U.S.C. § 102(e) as anticipated by Frank et al. (US, 6,731,622); claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank et al., in view of Kuroyanagi et al. (US, 6,421,367); and claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank et al., in view of Ogawa et al. (US, 6,728,305). Applicants respectfully traverse the rejection for at least the following reasons.

The Office Action on page 9 admits that dependent claim 5 contains allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants amend independent claim 1 by incorporating the features of dependent claims 4 and 5. In addition, Applicants cancel claims 4 and 5 without prejudice or disclaimer. Accordingly, Applicants respectfully submits that rejection of claim 4 under 35 U.S.C. § 102(e) be withdrawn.

With respect to independent claim 1, as amended, Applicants respectfully assert that Frank et al., Kuroyanagi et al. and Ogawa et al., whether taken singly or combined, do not teach or suggest at least “a plurality of mobile stations, wherein communication between at least one of the plurality of base stations and at least one of the plurality of mobile stations is achieved by a packet CDMA communication method, such that a packet of the packet CDMA communication method includes a frame composed of a preamble block having a barker code and an information block having an orthogonal M series codes.” Thus, Applicants respectfully assert that amended independent claim 1 clearly distinguishes over the cited prior art, therefore it should be allowed. Furthermore, Applicants respectfully assert that dependent claims 3, 15 and 16 are also allowable based on their dependency on allowable independent claim 1. Accordingly, in light of the

arguments presented above, Applicants respectfully request rejection of claims under 35 U.S.C.

§§ 102(e) and 103(a) be withdrawn and claims 1, 3 and 12-16 be allowed.

### **CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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